

Re: LULAC v. Abbott, No. 3:2-cv-259 (Redistricting), Legislator documents

Kenneth Parreno

Sun 7/17/2022 11:53 PM

To: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>; Nina Perales <nperales@MALDEF.org>; Fatima Menendez <fmenendez@MALDEF.org>; Julia Longoria <Jlongoria@MALDEF.org>;

Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; taylor@consovoymccarthy.com <taylor@consovoymccarthy.com>; frank@consovoymccarthy.com <frank@consovoymccarthy.com>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>; Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Munera Al-Fuhaid <Munera.Al-Fuhaid@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>; Kathleen Hunker <Kathleen.Hunker@oag.texas.gov>;

2 attachments

Documents Sought By LULAC Plaintiffs and the United States 2022 07 17.pdf; Documents Sought By Only LULAC Plaintiffs 2022 07 17.pdf;

Hi Jack,

Thank you for your July 14, 2022 letter in response to our July 5, 2022 meet-and-confer letter. I'm writing to respond to the points you raised at the end of your letter (Pages 4 and 5), to confirm once more that you will not produce any of the documents in the attached spreadsheets, and to inquire whether you oppose LULAC Plaintiffs' motion for leave to file a brief in support of our forthcoming motion to compel that shall not exceed 15 pages, exclusive of the case caption, signature block, etc. In light of our deadline to file a motion to compel, please respond to this email by July 18, 2022 at 5pm.

First, attached are two documents: (1) a spreadsheet that shows the documents that LULAC Plaintiffs seek that are at issue in the United States' motion to enforce, Dkt. 351, and (2) a spreadsheet that shows the documents that LULAC Plaintiffs seek that are not at issue in the United States' motion. I will note that all of these documents were included in the spreadsheets we provided to Respondents as attachments to our July 5, 2022 meet-and-confer letter.

Second, in addition to the arguments already raised in that letter, LULAC Plaintiffs intend to assert that the documents with the descriptions of "confidential bill draft and related materials" and "confidential document[s] relating to draft redistricting legislation," see July 5 meet-and-confer letter, Exs. C and D, also contain underlying data or factually-based information that is not protected by the legislative privilege, attorney-client privilege, and/or work product doctrine, in light of Respondents' representation in their July 14, 2022 letter that those documents include but are not limited to data, notes, figures, reports, analyses, reports, and other information. LULAC Plaintiffs note that they raised that argument in their July 5, 2022 meet-and-confer letter with respect to other documents.

Our understanding from your July 14, 2022 letter is that you do not intend to produce any of the documents in the attached spreadsheets. Please advise if, in light of the above, you intend to produce any of the documents in the attached spreadsheets; if not, please confirm once more that you intend not to produce any of those documents.

Additionally, because it appears that we cannot agree over whether the documents listed in the attached spreadsheets should be disclosed, LULAC Plaintiffs intend to file a motion to compel the production of the documents listed in the attached spreadsheets on Monday, July 18, 2022, pursuant to the Stipulated ESI Agreement (Dkt. 203). In connection with that motion to compel, LULAC Plaintiffs intend to request leave to exceed the page limit for discovery-related motions by 5 pages, to file a brief that shall not exceed 15 pages, exclusive of the caption, signature block, etc. Please advise whether Respondents oppose that request.

Thank you,
Kenneth

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From: Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>
Sent: Thursday, July 14, 2022 6:22 PM
To: Nina Perales; Kenneth Parreno; Fatima Menendez
Cc: Patrick Sweeten; Will Thompson; taylor@consovoymccarthy.com; frank@consovoymccarthy.com; Courtney Corbello; Ryan Kercher; Munera Al-Fuhaid; Ari Herbert; Kathleen Hunker
Subject: LULAC v. Abbott, No. 3:2-cv-259 (Redistricting), Legislator documents

Counsel,

Please see the attached letter in response to your letter of last week.

Sincerely, Jack DiSorbo

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